IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 15759 of 1999

Between:

Rural Downtrodden Development Organisation, S.C.Colony, Narasapuram, Kalasapadu Mandal, Cuddapah Dt.,
Rep. by its President & Correspondent : Sri B.Varada Rao, S/o. Swami Das, 44 years, R/o. Narasapuram, Kalasapadu Mandal, Cuddapah District. Regd.No.438/88.

..... PETITIONER

AND

1 The Secretary, Ministry of Social Welfare,
Government of India, Sastry Bhavan,
New Delhi-110 1001.
2 The Secretary, Department of Social Welfare,
Government of Andhra Pradesh, Hyderabad.
3 The Commissioner of Social Welfare, Andhra Pradesh,
Hyderabad.
4 The District Collector,
Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not considering the request of the petitioner's-Organisation in granting grant-in-aid of Rs.9,60,840/- as illegal, arbitrary, and violative of Arts. 14 and 21 of the Constitution of India; and further direct the respondents to consider the request of the petitioner for sanction of grant-in-aid of Rs.9,60,840/- to the petitioner's-Organisation.

Counsel for the Petitioner: MRS.E.T.MANJUSHAA

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

O R D E R :

1. This Writ Petition is filed by Rural Downtrodden Development Organization, Cuddapah District with a prayer to issue a Writ of Mandamus declaring the action of respondents in not considering the request of the petitioner's Organisation for grant-in-aid of Rs.9,60,840/- as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and to direct the respondents to consider the request of the petitioner-Organisation for sanction of grant-in-aid.

2. One B.Varada Rao has given his sworn affidavit in support of the writ petition. He is the President of the petitioiner-organisation. The aim of the petitioner-organization is to develop rural people culturally, socially and economically and in educational advancement. The petitioner-organisation is running eight tailoring centers for the benefit of women belonging to SCs and STs (30 each), totaling to 240. The petitioner-organisation made a representation to the Ministry of Social Welfare, Government of India on 19.9.1996 for sanction of grant in aid for tailoring training project under the Central Sector Scheme. The Department of Social Welfare, Government of Andhra Pradesh called for the report vide Memo.No.19911/82/86-12, dated 6.9.1996. The District The District Collector addressed a letter to the Executive Director, S.C.Corporation vide refrence No.B.1/6002/96, dated 27.9.1996 requesting to cause inspection on the functioning of the petitioner-Organisation and to submit proposals. The Executive Director submitted a report to the District Collector in R.C.S.O.2318/96, dated 12.2.1997. The Deputy Director, Social Welfare Department, Kadapa addressed a letter in R.C.No.B4/23/97, dated 9.4.1997 to the petitioner-organisation requesting to provide the address of the Sewing Centre being run by the petitioner-Organisation at 8 places. The petitioner-organisation submitted the particulars of the sewing centers at 8 places on 25.4.1997. The District Collector submitted the inspection report of the petitioner-organisation to the Commissioner of Social Welfare, Government of Andhra Pradesh, Hyderabad (R3

herein) through R.C.No.B4/23/97. The petitioner- organization filed W.P.No.3822 of 1998 seeking a Writ of Mandamus declaring the action of the respondents in not considering the request of the petitioner-organization as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution. The Writ Petition came to be disposed of with a direction to R1 to consider and pass appropriate orders on the application of the petitioner-organisation submitted on 19.8.1996 for sanction of grant-in-aid to a sum of Rs.9,60,840/-. In pursuance of the directions given in the writ petition R1 considered considered the representation and passed orders on 10.6.1999 refusing the request of the petitioner-organisation for sanction of grant-in-aid. Therefore, the present Writ Petition has been filed by the petitioner-organisation.

3. R3 has filed counter. It is stated in the counter affidavit that the representation sent by the petitioner-organisation for grant-in-aid was examined and request of the petitioner-organisation was rejected on the ground that Kadapa District was already over represented for sanction of grant-in-aid in voluntary organizations for SCs and STs. I deem it appropriate to refer to para 10 of the counter and it is thus:

> " 10. The Government of India is to release financial assistance to non-governmental organizations working for the welfare of down trodden communities in the country with the funds allocated for this purpose. The petitioner-organization has submitted a proposal towards maintenance of tailoring centers and the 1st respondent rejected the proposal on the ground that the Cuddapah District is already over represented in sanction of grant-in-aid to voluntary organizations working for the scheduled castes. The 1st respondent has to see that the grant-in-aid is released to all the Districts in the State according to the SC population and availability of the funds allocated for this purpose. It is further submitted that the decision taken by the 1st respondent (Minister of Social Justice and Empowerment, Government of India) is neither illegal nor violative of principles of natural justice as contended by the petitioner."

4. Learned counsel for the petitioner-organization submits that it is explicit from the proposal submitted by the petitioner-organization that it is for the development of down trodden and therefore the petitioner-organization is entitled for grant-in-aid of Rs.9,60,840/-. Learned Government Pleader for Social Welfare representing the

respondents submits that the representations made by the petitioner-organisation for grant in aid have been duly considered and rejected by giving cogent and convincing reasons and the same is not required to be interfered in this writ petition.

5. R1 considered the representation submitted by the petitioner-organization for release of grant-in-aid of Rs.9,60,840/-. The request of the petitioner-organization has been rejected by giving cogent and convincing reasons which are explicit in letter dated 10-6-1999. Para 2 of the said letter reads as follows:

> " 2. The request from your organization for grant in aid of Rs.9,60,840/- made vide your letter dated 19.8.1996 for running 30 Tailoring Centres for 240 SC women based has been examined in the light of the directions of the Hon'ble High Court of Judicature, Andhra Pradesh at Hyderabad in connection with the Writ Petition No.3822 of 1998 – Rural Down Trodden Development Organization versus Union of India and others. Grant in aid can be considered with only prospective date and not from retrospective date. Therefore, the contention of your organization that some loan was taken in anticipation of sanction of grant in aid from Government of India is not tenable. Moreover, grant in aid under the scheme, inter alia, is provided for vocational training to the SC beneficiaries so that they may get gainful employment. Grant in aid under the scheme is not admissible for setting up self-employment unit as such. As stated above is considered on merit, keeping in view the relevant factors and the recommendations together with an Inspection Report of the State Government. In the case of your organization, the Government of A.P., has not made any specific recommendations in their letter dated 9.2.99 for sanction of grant in aid."

It is explicit that the State Government has not recommended the petitioner-organisation for grant in aid. Inspection of the petitioner-organisation has been conducted by Deputy Director, Social Welfare, Kadapa. It is explicit from the inspection report that the petitioner-organisation has no proof of conducting seminars and training in adult education, legal literacy for women and awareness camps for youth in rural areas. The number of SCs and STs covered under this programme are also not submitted by the petitioner-organisation.

6. The 1st respondent herein considered the material brought on record in right perspective and refused to grant grant-in-aid to the petitioner-organisation. The decision of the 1st respondent cannot be found fault.

7. Accordingly, this writ petition is dismissed. No costs.

Dt: 14th June, 2005. (B.Seshasayana Reddy,J)

tnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Rural Downtrodden Development Organisation, S.C.Colony,
   Narasapuram, Kalasapadu Mandal, Cuddapah Dt.,

2. The Secretary, Ministry of Social Welfare,
   Government of India, Sastry Bhavan,
   New Delhi-110 1001.

3. The Secretary, Department of Social Welfare,
   Government of Andhra Pradesh, Hyderabad.

4. The Commissioner of Social Welfare, Govt. of Andhra Pradesh,
   Hyderabad.

5. The District Collector,
   Cuddapah.

6. TWO COPIES TO Government Pleader for Social Welfare, High Court
   Buildings, Hyderabad. (OUT)

7. **2 CD copies**